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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,218	03/04/2002	Michael J. Petruziello	QQA 2 0003	3484

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EXAMINER

KIM, ELLEN E

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,218	PETRUZIELLO, MICHAEL J.	
	Examiner	Art Unit	
	Ellen Kim	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/4/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 3, the limitation "...member includes two optically isolated grooves..." in the second line is repeated what is already cited in claim 1. It is not clear whether they are the same.

As to claim 5, Applicant claims that the recessed surface is inverted generally conical cross-section. It is not clear what if the recessed surface is determined as an half rectangular cross-section in claim 4. Note that claim 5 is dependent on claim 4.

As to claims 6 and 7, the similar problems are present as discussed above in claim 5.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). The oval, triangular, pentagonal, and hexagonal cross-section in claims 2, and 12-13; conical, and circular cross-section as claimed in claims 14 and 15; the different possible combination of claims 8, 13-15, 20-22, and 24-26; and circular, oval, square, and rectangular cross-

section in claim 19, 23, and 24. No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Summers et al [USPAT 6,160,940].

Summers et al disclose a fiber cable component comprising a cylindrical shaped elongate member 10, two optical isolated rectangular cross-sectional grooves 13 having optical fiber ribbons 42.

Claims 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miller [USPAT 3,864,018].

Miller discloses an optical device comprising an elongate member having two grooves for receiving a fiber optic coupling [see fig. 5 and 6].

Claims 11-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cherin et al [USPAT 4,142,776].

Cherin et al disclose an optical fiber ribbon connector comprising a first and a second elongate member 61s [rectangular cross-section, fig. 6] with grooves [half

circular cross-section] for receiving multiple optical fibers 33 and for receiving optical couplings.

Claims 18-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rutterman et al [USPAT 6,295,401].

Rutterman et al disclose an optical fiber ribbon cable comprising a first, second, third, and fourth elongate members 16 [quarter circular cross-section], grooves [generally quarter oval cross-section] for receiving multiple optical fibers, and mating surfaces.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

Miller discloses every aspect of claimed invention except for the material selected from the group consisting of glass, silicon, sapphire, and ceramic. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify to include one of those claimed material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of is

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suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cherin et al.

Cherin et al discloses every aspect of claimed invention except for the material selected from the group consisting of glass, silicon, sapphire, and ceramic. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify to include one of those claimed material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutterman et al.

Rutterman et al discloses every aspect of claimed invention except for the claimed cross-section of the grooves. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify the device to include those claimed cross-section shapes [such as an inverted generally half rectangular cross-section] for the purpose of holding plurality of optical fiber ribbons so that more light signal can be transmitted through the cable. It is clear the shape of the groove can be determined by the shape of the optical fiber ribbons, and the plurality of the optical fiber ribbon [vertically collected] forms rectangular shape.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutterman et al.

Rutterman et al discloses every aspect of claimed invention except for the fiber optic coupling in the grooves. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify the device to include the fiber optic coupling in the grooves for the purpose of extending the length of the cable so that the light signal can be reached further distance.

In re claim 28, Rutterman et al teach at column 2, lines 53-end that the elongate member 16s are made of fiber glass.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (571) 272-2349. The examiner can normally be reached on Monday and Friday.

Ellen E. Kim
Primary Examiner
May 12, 2004/EK

